

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 FORD MOTOR CREDIT COMPANY LLC, a
Delaware Limited Liability Company,

12 Plaintiff,

13 v.

14 MARCO VENTURES, INC., a California
Corporation, dba FORD OF MARIN,

15 Defendants.

16 No. C-08-4906 MMC

17
18 **ORDER DEFERRING RULING ON**
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT; AFFORDING PLAINTIFF
LEAVE TO SUPPLEMENT MOTION;
CONTINUING HEARING

19 Before the Court is plaintiff's Motion for Entry of Default Judgment, filed April 8, 2010
20 and noticed for hearing on May 14, 2010. Defendants have not filed a response.¹ Having
read and considered the motion, the Court rules as follows.

21 Plaintiff seeks to recover from defendants the principal sums owed under two
22 agreements, along with prejudgment interest, attorney's fees, costs, and additional sums
23 identified as "charges" and "expenses." The evidence before the Court is sufficient to
24 establish plaintiff's entitlement to recover principal in the amounts sought, specifically,
25 \$1,045,214.94, attorney's fees in the amount sought, specifically, \$27,930.00, and costs in
26 the amount sought, specifically, \$2295.53. With respect to plaintiffs' asserted entitlement

27
28 ¹Under the Local Rules of this District, defendants' opposition was due no later than
April 23, 2010. See Civil L.R. 7-3(a) (providing "opposition to a motion must be served and
filed not less than 21 days before the hearing date").

1 to charges and expenses, as well as to prejudgment interest, however, plaintiff's showing is
2 deficient.

3 First, to the extent plaintiff seeks an award corresponding to "charges & expenses"
4 under the Wholesale Agreement (see Bascio Decl. ¶ 28), and to "other charges" under the
5 Capital Loan (see id. ¶ 32), plaintiff fails to identify the nature of any such charge or
6 expense, nor does plaintiff state why such charges and expenses are due under the
7 respective agreements.

8 Second, to the extent plaintiff seeks an award of prejudgment interest, plaintiff has
9 not identified the rate(s) used by plaintiff in arriving at the sums requested, nor has plaintiff
10 provided a declaration setting forth how such amounts were calculated under the
11 respective agreements.

12 In light of the above, the Court hereby DEFERS ruling on the motion and will afford
13 plaintiff an opportunity to supplement its motion to address the above-noted deficiencies as
14 follows:

15 1. No later than Thursday, May 20, 2010, plaintiff may file a supplemental
16 memorandum and supplemental declaration(s) for the purpose of (a) identifying the nature
17 of the claimed charges and expenses and explaining why they are due under the parties'
18 agreement(s), and (b) identifying the applicable rate(s) of prejudgment interest and
19 indicating how the amounts sought were calculated.

20 2. If defendants wish to file a response to any such supplemental showing,
21 defendants' response shall be filed no later than Tuesday, June 1, 2010.

22 3. The hearing on plaintiff's motion is hereby CONTINUED from May 14, 2010 to
23 June 11, 2010.

24 **IT IS SO ORDERED.**

25
26 Dated: May 4, 2010
27
28


MAXINE M. CHESNEY
United States District Judge